



Illinois Department of Commerce and Economic Opportunity

Rod R. Blagojevich
Governor

Jack Lavin
Director

PY'00 EO/WIA POLICY LETTER NO. 00-03

TO: Chief Elected Officials
Local Workforce Investment Board Chairs
WIA Fiscal Agents and Subrecipients
WIA State Agency Partners
WIA Title I-B Administrators
One-Stop Operators
Other Interested Persons

SUBJECT: Methods of Administration - Element 3 - Review assurances, job training plans, contracts and policies and procedures

DATE: June 20, 2001

I. PURPOSE:

In this element, the local-level should address how it and its subrecipients are complying and will continue to comply with the requirements of 37.20 and 37.54(d)(1)(i), and (2)(iii) and (iv). This information is incorporated into the Illinois Department of Employment Security's MOA plan and is submitted to the U.S. Department of Labor, Civil Rights Center in Washington, D.C., thereby ensuring compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

II. ISSUANCES AFFECTED:

a) References:

- 1) U.S. Department of Labor Regulations at 29 CFR Part 37 - Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998;
- 2) Workforce Investment Act of 1998 Sections 134(b), 136(d)(2)(F), 136(e), 172(a), 183(c), 185(c)(2), 185(d)(1)(E), 186, 187, and 188;
- 3) Title VI and VII of the Civil Rights Act of 1964, as amended;

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- 4) Section 504 of the Rehabilitation Act of 1973, as amended; Part B, C, Appendix A;
- 5) Age Discrimination Act of 1975, as amended;
- 6) Title IX of the Education Amendments of 1972, as amended;
- 7) U.S. Department of Labor Regulations at 20 CFR 652
- 8) U.S. Department of Labor Regulations at 29 CFR Part 31 and Part 32;
- 9) The Illinois Human Rights Act, as amended and its Rules and Regulations;
- 10) Nontraditional Employment for Women Act of 1991;
- 11) The Americans with Disabilities Act of 1990;
- 12) The Civil Rights Restoration Act of 1987;
- 13) Executive Order 12250;
- 14) Executive Order 11246, as amended;
- 15) U.S. Department of Labor Regulations at 29 CFR Part 1604, Guidelines on Discrimination because of Sex, Sexual Harassment;
- 16) Age Discrimination in Employment Act of 1967; as amended;
- 16) Equal Pay Act of 1963; as amended;
- 17) U.S. Department of Justice Regulations at 28 CFR Part 42, Subparts F & H.
- 19) Section 503 of the Rehabilitation Act of 1973, as amended; and,
- 20) Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

b) Rescissions:

None.

III. SUBJECT INDEX:

Equal Opportunity/Nondiscrimination

IV. BACKGROUND:

On August 7, 1998, the Workforce Investment Act of 1998 (WIA) was signed into law, which supercedes JTPA. Section 188, of WIA contains the statute's equal opportunity and nondiscrimination provisions.

29 CFR Part 37, the federal regulations, dated November 12, 1999, implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 and require that each state establish and adhere to a Methods of Administration (MOA) for their state programs.

An MOA is a document, developed by the Department of Employment Security, that describes the actions an individual state will take to ensure that its WIA Title I- financially assisted programs, activities, and recipients are complying, and will

continue to comply, with the nondiscrimination and equal opportunity of WIA and its implementing regulations.

The MOA is to be organized in the nine element requirements, with both a narrative and a documentation section for each element.

V. POLICY:

Element 3 of the MOA addresses how the local level reviews assurances, job training plans, contracts and policies and procedures. Local workforce areas should address how they are complying and will comply with the requirements of 37.20 and 37.54(d)(1)(i), and (2)(iii) and (iv), regarding the review of job training plans, contracts and policies and procedures by developing a narrative to address the following information:

- a) Describe how each grant applicant and training provider seeking eligibility, includes in its application for financial assistance under Title I of WIA, the equal opportunity assurance.
- b) Describe how the assurance is incorporated into each grant, cooperative agreement, contract or other arrangement whereby federal financial assistance under Title I of the WIA is made available.
- c) Describe how each grant applicant and approved training provider is able to provide programmatic and architectural accessibility as required by subpart of part 32.
- d) Describe the procedures of how job training plans, contracts, assurance, and other similar agreements entered into by recipients are both nondiscriminatory and contain required language regarding nondiscrimination and equal opportunity.

The documentation of element 3 should include the following information:

- a) A copy of the directive that instructs individuals at the local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures as to the requirements of and their duties, under 37.20 and 37.54(d)(1)(i), and (2)(i), (iii) and (iv).
- b) Copies of assurance pages of plans, contracts, and other agreements.
- c) Copies of memos or directives to contract managers advising them to include the required assurance.

- d) Copies of checklists, or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements.
- e) A copy of the procedures developed to review the ability of grant applicants and eligible training providers to comply with the nondiscrimination and equal opportunity provisions of the WIA and part 37.
- f) A copy of each WIA equal opportunity issuance, e.g., your general equal opportunity policy statement, the policy statement on sexual harassment, and the policy statement on religious accommodation.

VI. ACTION REQUIRED:

This policy letter should be distributed to appropriate EO staff to prepare the narrative and documentation required under policy. This information is to be submitted, paper copy only-please no faxes, by close of business on Friday, July 13,2001 to the following address:

Tim Golemo (*Revised 1-12-04*)
State EO Officer for WIA
IL Department of Commerce & Economic Opportunity
Bureau of Workforce Development
620 East Adams Street, 5th Floor
Springfield, IL 62701

VI. INQUIRIES:

Tim Golemo (217) 558-2418, (217) 557-5506 (fax) or
timothy_golemo@commerce.state.il.us (Revised 1 -12-04)

VIII. EFFECTIVE DATE:

Upon issuance

IX. EXPIRATION DATE:

Continuing